

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JARAMIE L. SMITH,

Plaintiff,

v.

TRACY GAY et al.,

Defendant.

CASE NO. 3:23-cv-06136-DGE

ORDER ON DISMISSAL

This matter comes before the Court on Plaintiff Jaramie Smith's complaint for damages.  
(Dkt. No. 5.)

On December 11, 2023, Plaintiff filed a motion for leave to proceed in forma pauperis.  
(Dkt. No. 1.) The Honorable Theresa L. Fricke, United States Magistrate Judge, granted the  
motion. (Dkt. No. 4.) Plaintiff properly filed his complaint on January 10, 2024. (Dkt. No. 5.)  
On April 10, 2024, the Court ordered Plaintiff file proof of service or show cause as to why he  
failed to timely effect service, noting dismissal without prejudice was a mandatory consequence

1 of failing to serve. (Dkt. No. 6 at 2) (citing the 90-day service deadline in Federal Rule of Civil  
2 Procedure 4(m)). The Court's order set a deadline of April 22, 2024. (*Id.*)

3 As of today's date, Plaintiff has neither filed proof of service nor shown why he failed to  
4 timely effect service. Accordingly, the Court DISMISSES Plaintiff's complaint without  
5 prejudice.

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7 Dated this 3rd day of May 2024.

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David G. Estudillo  
United States District Judge